PATENT

Atty Docket No.: 10008025-1
App. Ser. No.: 09/964,769

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1-28 are pending in the present application of which claims 1 and 13 are independent.

Applicants note with appreciation the Examiner's withdrawal of the previous objections to the specification and claims, as well as withdrawal of the rejection of claims 1-12 under 35 U.S.C. § 101.

Claims 1-3, 6-9, 12-15, 18-21, 24 and 26-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lamping (U.S. Patent No. 6,631,517).

Claims 4, 5, 10, 11, 16, 17, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lamping in view of Aho et al. ("Compilers: Principles, Techniques, and Tools", ISBN 0-201-10088-6) ("Aho").

These rejections are respectfully traversed for at least the following reasons.

Personal Interview Conducted

Applicants wish to thank Examiner Fowlkes and Primary Examiner Ba for granting the personal Examiner interview conducted on October 20, 2005. The independent claims and cited prior art were discussed. It was agreed that amendments directed to further clarifying the family of mathematical functions, the family-start function call and the family-finish function calls would overcome the prior art of record.

Claim Rejection under 35 U.S.C. 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed

combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

The Office Action sets forth a rejection of claims 1-3, 6-9, 12-15, 18-21, 24 and 26-28 under 35 USC 102(e) as being allegedly anticipated by Lamping.

The independent claims 1 and 13 have been amended as discussed in the personal interview. As agreed upon in the interview, these amendments include features not taught or suggested by Lamping or any of the prior art of record. In particular, at least the member mathematical functions, the set of instructions for each member function that are identical, the family-start function performing the identical set of instructions for each member function, and the member-finish function performing instructions unique to the member function are not taught or suggested by the prior art of record.

Accordingly, claim 1-28 are believed to be allowable.

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Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The Office Action sets forth a rejection of claims 4, 5, 10, 11, 16, 17, 22 and 23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lamping in view of Aho.

Claims 4, 5, 10, 11, 16, 17, 22 and 23 are believed to be allowable for at least the reasons independent claims 1 and 13 are believed to be allowable.

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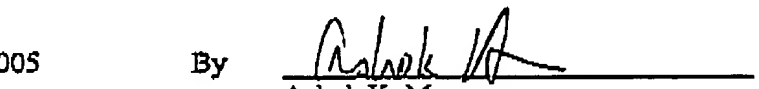
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 27, 2005 By 

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